



**TOWN OF BROCKWAY
COUNTY OF STEARNS
STATE OF MINNESOTA**

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George Fiedler, Chairman
Duane Douvier, Supervisor
Terence Pogatchnik, Supervisor
Margaret Stang, Clerk
Susan Goodew, Treasurer

MEETING MINUTES

1. **Call to Order:**

- A. On this 21st day of December 2020, the Regular Monthly Meeting was called to order at 7:30 PM.
- B. The Pledge of Allegiance was recited.
- C. All board members were present and Zoning Administrator Ben Oleson was present via phone. Sign in sheet is attached.
- D. A motion was made by Supervisor Fiedler to approve the agenda, seconded by S. Douvier all in favor, motion carried with two additions.

2. **Land Use Requests:**

No land use requests on this date

3. **Clerks report:**

- A. November 16, 2020 Regular mtg. minutes, Motion made by Fiedler to approve, seconded Pogatchnik, approved.
- B. Motion made by Fiedler to approve the meeting schedule for 2021, seconded by Douvier, approved with the change of Regular meeting & PC meeting on March 15, 2021.

4. **Treasurer's report:**

- A. December 2020 report on accounts, Motion made by Fiedler to approve, seconded Douvier, approved.
- B. Approval of claims 22433-22445 & EFT 6, Motion made by Fiedler to approve, seconded Douvier, approved.

5. **Public Input**

- A. Victor Legatt addressed the minutes from November 2020, that it should be the Town Board will address road issues not Burski. Change made.

6. **Old Business:**

- A. Supervisor Fiedler informed us that John Smoley was hired to take care of items in the ditches. So, if you see anything please let the township know and we will get John out there. We have an open ticket at Opatz, and they will bill us monthly.
- B. **Mississippi River Landing/Walleye Road:** S. Fiedler advised we received a letter from Steve & Kelli Ehlen that they were withdrawing their petition to vacate this road. Ben Oleson did provide a Resolution for the Supervisors to approve and that should take care of any other issues with this road. George is going to call the Ehlen's and see what they meant by improper procedures were done. Motion made by Pogatchnik that we deny the request to vacate Walleye Road, seconded by Douvier, approved.
- C. **Electronic filing:** Supervisor Fiedler stated he would be looking into this over the winter. Tabled
- D. **Opole Septic:** Treasurer Goodew reported there were two properties that did not pay anything for 2020. Process is that we ask the county to put it on their taxes. Monthly fee, plus late fee or \$45 and then 8%. Of the two properties one went into a tax forfeit no one has been living there and someone bought it at the beginning of November, no assessments on it. Goodew is wondering if we can just waive the back payments

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on this property. Supervisor Fiedler stated we cannot fault the guys and Douvier & Pogatchnik agreed. Payment will only be put on the one property.

6. New Business:

- A. **Mike Nielson WSB:** Civil Engineering firm working with a lot of Townships with pavement management. He had talked with Supervisor Douvier and Duane thought we might have a striping project coming up. So, Mike just stopped to offer WSB's services as they are right in St. Cloud. They work for many townships in the area. Supervisor Fiedler asked him if they do the striping or the Engineering, Mike said he was correct. Supervisor Pogatchnik asked what a cost would be to redo some roads. Mike went on to explain the process of how they evaluate the roads and when to pave them or redo them. Supervisor Fiedler asked if they did any maps and Mike said yes, their main office is in Golden Valley. Mike gave out business cards.
- B. **Plumski Engineering/Duane Plumski:** He stated he started a business out of his home and wanted to see if there were any township requirements running a business out of his home. Supervisor Fiedler stated that the county has a guideline on this. Duane also asked how much of the state income taxes make it back to the township. Treasurer Goodew thought we only got from property taxes. Focus of the business is mechanical engineering. He would like to expand that to onsite light fabrication. Are there any industrial zonings besides Polar tank in the township? Ben advised that this zoning would be covered by the county. Ben will look through the ordinance but thinks it might fall under industrial. Supervisor Fielder got his phone number and Ben will give him a call-in regard to this question. Duane also asked if the township could put any pressure on better internet in the area.
- C. **Spectrum:** Amy VanSurksum and residents from Pine Point Road they are trying to get Spectrum to their area. Via Riveria is right in their back yard. Amy has had contact with a government official with Spectrum who said an estimate should be coming in on Wednesday. Amy wants the Townships approval on a Franchise agreement so they can come in. Supervisor Fiedler said there would be no objection from the board, we are just concerned about the digging. Amanda Duerr from Spectrum said she would be getting ahold of George regarding this. Supervisor Pogatchnik thought it would be good to have another provider come in then Century Link might get the idea they are losing customers.
- D. **Aztech Paving:** Tom Wood said they are a pavement preservation company. He explained the different levels and ratings on the roads, and they create a predicting map. Tom came just to let us know he would be there to help us if we have questions on roads and when we should do some work on them. Supervisor Pogatchnik would there be a cost to the township on looking at our roads. Tom stated there would be no cost to the Township he would spend as much time out with us driving around. Aztech would make their money on bidding the project.
- E. **Budget & Rate meeting:** Done at the Reorganizational meeting on April 19, 2021 @ 6:00 pm
- F. **Resolution ROW permit bonds:** Ben said this was regarding the amount of bonds for ROW. He put together a resolution addressing this issue. They need to provide a bond and minimum would be \$10,000. Per street it would be \$10,000 per cut. Underground linear in a ditch it would be \$10,000 + 1,000 for each mile and on from there. Annual Constructions bonds for a year would be \$100,000 bond for the year. The town board can add an additional bond as they see fit. Ben said he would talk to some bonding companies and do more research on it. Pogatchnik thought it would be better to get more ideas before putting something in a resolution without knowing too much about it.
- G. **March newsletter:** Supervisors will all look at this and get ideas to the Clerk on what should go in the publication by the next meeting in January.

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H. **2021 Zoning Administrator contract:** Ben's contract ends with us at the end of year. He had two proposal prepared for the Supervisors to look at. One matches what he is doing now, and the other is more an hourly rate. This year it has been a set number of hours per month and if not used they get carried over. The last course of years there has been leftover, and they are using that now to scan our files. On the hourly rate he would give a discount. Supervisor Fiedler asked how many hours we had built up. Ben thought it was 130 hours. For the hourly what is the rate \$95/hour, Pogatchnik said it was 95 on both. 15 hours a month would be \$1230 dollars works out to be 82/hour. Motion made by Supervisor Fiedler to go with the hourly rate contract for 2021, seconded by Pogatchnik, approved.

7. Mail / Miscellaneous:

- A. **Bill Bertram**, he did work for the township last year, wondering if there was any work for next year, but will not know that until next year,
- B. **Park funds** which the county collects for townships. Joe Perske is in favor for us to get that money back \$23,000. Ben Anderson is dragging his feet he needs to get the process together and get to the county board. Park board approved that we should get that money back. Ben said it would go to the county board again. We want to plan for work that should be done next year. Supervisor Fiedler said just give us the money so we can follow the procedures. Supervisor Fiedler is planning at being at the County board meeting regarding these funds. A response needs to be back to Ben Anderson by February 26, 2021, will wait til next meeting for input from the other Supervisors.
- C. **Kim Gosiak** Her road is a private road, and she needs to take care of it with the other residents on that road. Supervisor Fiedler sent her a letter stating she would have to take care of the problem.
- D. **St. Stephen Fire Department:** Telling us their projected coverage for 2022. Also, thanks for the CARES act money.

8. Public Input:

Conrad Legatt asked if there are things that the Zoning Administrator does that the Supervisors could not do? Supervisor Pogatchnik said there is no way he could do what Ben is doing as he does not have the time and to do a resolution, he would not know what to do. Douvier agreed with Terry, they are not zoning planners. Conrad wondered if we were getting a good bang for our buck. Fiedler said there was not enough time for him to do it. Fiedler said we do it because we have a say on what goes on, and the county cannot force us to do what they want.

Pat Smoley drove down on Walleye Road and it was as clean as could be. But the portable curbs are gone, not sure if they can be put back out. The rods are there, but no curbs. Might have to wait til spring to put them back in.

Victor Legatt/385th Street: Ben talked about 385th and the last time Victor was looking for the township to vacate portions of 385th Street right away. We record the survey, so it is on file, but no other action taken. Ben investigated the question of if the township were to vacate what options were there. There were three options:

- 1.** Do nothing.
- 2.** Give Legatt an easement to leave that building in the public right of way and keep the right of way there where it is.
- 3.** Vacate a portion of the road but would have to be done through a petition with the residents. So, there is a statutory process like on Walleye Road where you need a petition of so many people signing off on it. The cost of this process can be put on the applicant or the petitioner. Supervisor Fiedler asked based on that what did Victor want us to do. The old easement was to go away when the other one was applied. Supervisor Fiedler said okay if we need to correct something let us do that and talk about it, so it sounds like you want an easement. Victor stated that is why we had the public hearing that was supposed to follow the road. Fiedler asked we are here tonight to record what you want. Victor stated the

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Easement that is what you guys wanted. You asked Dennis and I if that is what we wanted, but you did not follow through and get an easement recorded. Fiedler stated that is why we are here tonight to get it done. Ben's understanding is that there was a recorded description of 385th from back in the 50's. On this survey that was done it shows where that is. The actual road location and that is a little bit off center. Ben's understanding is that Mr. Legatt was asking for you guys to establish where the actual road is and what you use to road maintenance allowing the ditch maintenance. The township is to use the area where his structure is in. Township can say they have no interest in it anymore. Fiedler asked Victor again if we must do an easement that is what we will do. Pogatchnik said if the easement he has is the one he wants then okay. Victor says the easement in 1950 must go away. Ben thinks it is possible to vacate a road, but this is not his expertise. Ben will double check with Bob Ruupi to see what needs to be done correctly so we can do a new easement. Fiedler asked if we could just do a new easement. Ben wanted to know if it were the south side of the road, for the township to have a full 66' we would be moving onto private land. Victor stated that Dennis was okay with that. Fiedler asked Ben to put something together and we will have Victor and Dennis to sign off on it. Ben will try and find this out.

A motion to adjourn the meeting at 9:11 pm was made by Supervisor Fiedler, which was seconded by Supervisor Douvier all in favor; motion carried.

Respectfully Submitted:

Margaret Stang, Clerk
Brockway Township

George Fiedler, Chairman
Brockway Township

Date Approved __1-19-2021

Amendments __3__

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